OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

DECEMBER 4, 2008

The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, December 4, 2008, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT:  Ward Pedley, Chairman
Judy Dixon, Vice Chairman
Ruth Ann Mason, Secretary
Gary Noffsinger, Director
Madison Silvert, Attorney
Marty Warren
Sean Dysinger
Clay Taylor

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CHAIRMAN:  Call the Owensboro Metropolitan Board of Adjustment to order.

We'll begin our meeting with a prayer and pledge of allegiance to the flag. Madison will lead us this evening.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN:  I would like to welcome everyone. Anyone wishing to speak we ask you come to one of the podiums and state your name and be sworn in.

First item on the agenda is to consider the minutes from the November 6, 2008 meeting. Are there any additions or corrections?
CHAIRMAN: Chair is ready for a motion.

MS. DIXON: Move to approve.

MR. DYSINGER: Second.

CHAIRMAN: We have a motion and a second. All

in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The minutes are approved.

Next item, please.

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CONDITIONAL USE PERMITS

ITEM 2

1564 River Road, zoned I-2
Consider a request for a Conditional Use Permit to
operate an automobile and truck parts storage and
salvage business which includes the storage and
dismantling of disabled vehicles and the recycling of
automobiles and truck parts.
Reference: Zoning Ordinance, Article 18,
Section 18.2G4/27 Salvage and Storage Yard
Applicant: N.T.N. Properties, LLC

MR. SILVERT: State your name, please.

MR. WILLIAMS: Zack Williams.

(ZACK WILLIAMS SWORN BY ATTORNEY.)

ZONING HISTORY

OMPC records indicate the subject property is
currently zoned I-2 Heavy Industrial. The subject
property was rezoned in 1990 from I-1 Light Industrial
and A-U Urban Agriculture to I-2 Heavy Industrial. A
Conditional Use Permit was granted in July 1990 to operate a vehicle storage lot. This request has been made to expand the operation to include salvage and recycling activities. The applicant has provided a site plan that satisfies the minimum requirements of the Owensboro Metropolitan Zoning Ordinance. Access to the property is provided by an existing drive on River Road. It should also be noted that there are private restrictions that apply to the type of fence required and location thereof.

**LAND USES IN SURROUNDING AREA**

The adjacent property to the north is zoned I-2 Heavy Industrial and has a Conditional Use Permit to operate a scrap iron, salvage storage yard and wrecking yard. This property also received a Variance to eliminate the required perimeter trees along the south, west and north property boundary and to eliminate the required fence along the west property boundary.

The adjacent property to the west and south is zoned A-U, Urban Agriculture, and is densely wooded near the subject property.

The adjacent property to the east is zoned I-2 Heavy Industrial and is a warehouse for Ira Wood & Sons.
ZONING ORDINANCE REQUIREMENTS

1. The requested activity must be at least 100 feet from any other zone except I-2, I-1 and A-R.

2. An eight foot high solid wall or fence must be maintained around the requested activity.

3. No stacking of material is permitted to exceed the height of the required screening (8 feet).

4. A 10 foot wide landscape easement with one tree per 40 lineal feet of boundary around the activity.

5. One parking space per two employees on maximum shift (minimum 5 spaces.)

SUGGESTED CONDITIONS

Access to the property must be limited to the existing point on River Road.

MR. WILLIAMS: We would like to enter the Staff Report into the record as Exhibit A.

MR. NOFFSINGER: Mr. Chairman, Staff would also recommend that you add a condition which is Number 3, "No stacking of material is permitted to exceed the height of the required screening, which is eight feet."

CHAIRMAN: Is there anyone here representing the applicant?

MR. SILVERT: State your name, please.
MR. KAMUF: Charles Kamuf.

CHAIRMAN: Mr. Kamuf, we recognize the oath you took as an attorney.

MR. KAMUF: If you have any questions, we're here to answer them.

CHAIRMAN: Any board member have any questions of Mr. Kamuf?

MR. KAMUF: We have a variance on some of the issues coming up at the next meeting.

CHAIRMAN: We're only considering the Conditional Use Permit tonight.

MR. KAMUF: That's right. That's the only one before the board.

CHAIRMAN: Any board member have any questions of Mr. Kamuf?

(NO RESPONSE)

CHAIRMAN: Staff?

MR. NOFFSINGER: No, sir, other than the second condition that I've described should be added.

CHAIRMAN: Chair is ready for a motion.

MR. DYSINGER: Mr. Chairman, isn't that already a zoning requirement?

MR. NOFFSINGER: I don't believe so.

MR. DYSINGER: Mr. Chairman, move to approve the Conditional Use Permit given the findings that
it's appropriate for the area and there appears to be no objections with the following conditions:

Access to the property must be limited to the existing point on River Road and there shall be no stacking of material to exceed the height of the required screening or eight feet.

CHAIRMAN: We have a motion by Mr. Dysinger.

Is there a second?

MR. WARREN: Second.

CHAIRMAN: Any questions on the motion?

(NO RESPONSE)

CHAIRMAN: All in favor of the motion raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously. We need one more motion.

MR. WARREN: Motion to adjourn.

MS. MASON: Second.

CHAIRMAN: We have a motion and a second. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned.
STATE OF KENTUCKY )
)SS: REPORTER'S CERTIFICATE
COUNTY OF DAVIESS )

I, LYNNETTE KOLLER FUCHS, Notary Public in and
for the State of Kentucky at Large, do hereby certify
that the foregoing Owensboro Metropolitan Board of
Adjustment meeting was held at the time and place as
stated in the caption to the foregoing proceedings;
that each person commenting on issues under discussion
were duly sworn before testifying; that the Board
members present were as stated in the caption; that
said proceedings were taken by me in stenotype and
electronically recorded and was thereafter, by me,
accurately and correctly transcribed into the
foregoing 6 typewritten pages; and that no signature
was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the
5th day of December, 2008.

LYNNETTE KOLLER FUCHS
OHIO VALLEY REPORTING SERVICES
202 WEST THIRD STREET, SUITE 12
OWENSBORO, KENTUCKY 42303

COMMISSION EXPIRES: DECEMBER 19, 2010
COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY